IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 5584 of 2004

Decided on 21.09.2006

Gian Singh

.....Petitioner

Vidya Sagar Garg

.....Respondent

Coram: Hon'ble Mr. Justice Vinod K. Sharma

Present: Mr. Ajay Jain, Advocate,
for the petitioner.

Mr. Vikas Kumar, Advocate,
for the respondent.

Vinod K. Sharma, J.(oral)

The present revision petition has been filed against the order passed by the learned trial Court under Order 15 Rule 5 CPC directing the petitioner herein to pay rent @ Rs. 1200/- per month during the pendency of the suit as this was the admitted rent by the petitioner. The contention of the learned counsel for the petitioner is that if the rent is to be taken as Rs. 1200/-, then the said suit would not be maintainable and, therefore, it was not open to the Court to pass the order under Order 15 Rule 5 CPC.

The second contention of the learned counsel for the petitioner is that the notification exempting the buildings fetching rent of more than Rs. 1500/- per month from the operation of the East Punjab urban Rent Restriction Act, 1949 is pending in Hon'ble Supreme Court and, therefore, as the suit was not competent, no application under Order 15 Rule 5 CPC could be maintained.

I have considered the arguments of learned counsel for the petitioner and find no force in the same. In the present case, the owner-landlord has claimed the rent to be Rs. 2400/- and it is only in view of the provisions of Order 15 Rule 5 CPC that the petitioner has been directed to

deposit a sum of Rs. 1200/- per month being the admitted rent by the petitioner herein. The Hon'ble Supreme Court has not stayed the proceedings but has only stayed the passing of final order.

Therefore, this court does not find any merit in the present revision petition.

Dismissed.

( VINOD K. SHARMA )
JUDGE

September 21, 2006
pj